

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL ZARAZUA RAMOS,

No. C 07-06495 WHA

Plaintiff,

v.

ORDER DISMISSING ACTION

WORLD SAVINGS, et al.,

Defendants.

Pro se plaintiff Daniel Zarazua Ramos has filed a “petition for libel of review of an administrative judgment” against “World Savings, U.S. Vessel, Does, Roes, and Moes 1–100 et al US Vessels.” This filing is *identical* to one filed months earlier as a miscellaneous action before the Honorable Charles Breyer. Judge Breyer first dismissed the action with 20 days leave to amend, stating that “[p]laintiff’s papers are incomprehensible and it is impossible for the Court to discern the basis for plaintiff’s lawsuit” (C 07-80249 CRB, Dkt. No. 2). Plaintiff Ramos never amended the complaint, which was therefore dismissed with prejudice (C 07-80249 CRB, Dkt. No. 4). He has since re-filed the same complaint in the instant action. Plaintiff has also filed a similar complaint against First Federal Bank, which was dismissed with prejudice (C 07-6494, Dkt. No. 19).

Once an application for in forma pauperis is filed, the complaint may be dismissed prior to service of process if the claims are frivolous or malicious. *See Neitzke v. Williams*, 490 U.S. 319, 237 (1989); 28 U.S.C. 1915(e). A claim is frivolous under 29 U.S.C. 1915(d) when a claim is premised on an indisputably meritless legal theory or is clearly lacking any factual basis. A

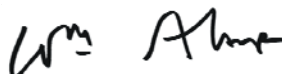
1 claim is malicious when it is duplicative of prior litigation. *Bailey v. Johnson*, 846 F.2d 1019,
2 1021 (6th Cir. 1988). This order finds that Ramos' complaint falls within both categories. *First*,
3 Ramos, who has named lending institution World Savings a defendant, alleges that "all parties
4 are U.S. VESSELS and fit the legal definition of a U.S. VESSEL," and further allegations of a
5 similar nature. He fails, however, to allege any claim under state or federal law. The entire
6 "complaint" makes no sense whatsoever. *Second*, Ramos fails to allege any administrative
7 decision. *Third*, claim is duplicative of prior litigation.

8 As stated in the order dismissing action in *Ramos v. First Federal Bank*, plaintiff has a
9 history of filing frivolous and incomprehensible complaints (C 07-6494, Dkt. No. 19). Mr.
10 Ramos has been cautioned against filing any more such actions. Moreover, because this action
11 has the trappings of a debt-elimination Internet scam, defendant is advised to report any
12 possible misconduct to the proper authorities.

13 For the foregoing reasons, plaintiff's complaint is **DISMISSED**, pursuant to 28 U.S.C.
14 1915(e)(2)(B). The Clerk shall close the file.

15
16 **IT IS SO ORDERED.**

17
18 Dated: March 13, 2008.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE